

Flathead County
Whitefish & Lost Coon Lake and Lakeshore Jurisdiction Transition
Option Analysis Matrix¹

Option:	1) Amend the <i>Flathead County Lake and Lakeshore Protection Regulations</i> ² to include Whitefish and Lost Coon Lakes.	2) Option 1, then review, revise and update the <i>Flathead County Lake and Lakeshore Protection Regulations</i> ² in next fiscal year.	3) Continue using Flathead County's <i>Whitefish Area Lake and Lakeshore Protection Regulations</i> ⁵ that were used prior to interlocal agreement.	4) Adopt Whitefish's <i>Whitefish Area Lake and Lakeshore Protection Regulations</i> ⁶ that Whitefish used during interlocal agreement.	5) Work with public and Whitefish to create new Whitefish & Lost Coon lakeshore regulations agreeable to both governing bodies, adopt separately.	6) Discuss with City of Whitefish a mutually agreeable arrangement to give city lakeshore jurisdiction for Whitefish and Lost Coon Lakes ⁷ .
Pros:	<ul style="list-style-type: none"> • Efficient administration and enforcement for Flathead County. • Consistent with ~57 other lakes regulated in rural Flathead County³. • Allows resources to be focused on interim zoning replacement. 	<ul style="list-style-type: none"> • Allows county to adopt best provisions for rural jurisdiction of multiple regulations and apply to all ~59 lakes. • End result is one updated set of regulations for all rural Flathead County. 	<ul style="list-style-type: none"> • This is what Flathead County is doing now, no changes needed. • Maintains many unique provisions found in current City of Whitefish regulations since those regulations originated from this document. 	<ul style="list-style-type: none"> • Provides for consistency across jurisdictions in an existing document, but only if adopted by county as written. • These are the most recently updated regulations unique to Whitefish and Lost Coon Lakes. 	<ul style="list-style-type: none"> • Governing bodies can create one set of regulations with which they are both comfortable. • Most consistent option while maintaining separate jurisdictions. • If successful, promotes cooperation. 	<ul style="list-style-type: none"> • Only option for 100% consistent regulations across Whitefish and Lost Coon Lakes because one jurisdiction is interpreting, administering, enforcing and amending. • Consumes least county resources.
Cons:	<ul style="list-style-type: none"> • Least consistent option with current City of Whitefish regulations. • Does not recognize unique history and cultural identity of Whitefish Lake. • Last updated 12 years ago. However, see Option #2. 	<ul style="list-style-type: none"> • Requires county resources allocated to review and update at same time as county is working to replace interim zoning (could use consultant for lakeshore update). • Increases demand on Planning Board time over next 1-2 years. 	<ul style="list-style-type: none"> • Not consistent with current City of Whitefish regulations used inside city limits. • Long term costs for two sets of lakeshore regulations. • Some provisions hard to enforce. • Needs update to jurisdictional references. 	<ul style="list-style-type: none"> • Some 2009 revisions hard to enforce in rural area. • Any edits by county, or any future amendments not adopted by both jurisdictions result in inconsistent regulations. • Reviewing & revising consumes county resources. 	<ul style="list-style-type: none"> • Extremely time and resource consumptive for both jurisdictions. • No guarantee efforts will be successful. History shows very different political wills. • Future amendments by one governing body may not be adopted by other. 	<ul style="list-style-type: none"> • Current political climate creates challenges with establishing cooperative agreements. • Discussions may simply not yield a mutually agreeable scenario, resulting in wasted time.
Follow-up question or issue created by option:	• Impact of Whitefish's annexation of lake bottom ⁴ ?	• Impact of Whitefish's annexation of lake bottom ⁴ ?	• Status of WF Lakeshore Protection Committee?	• Status of WF Lakeshore Protection Committee?	• Status of WF Lakeshore Protection Committee?	• Representation for rural lakefront landowners.

¹The purpose of this document is to inform Flathead County decision makers and the public about some options that are currently available for regulating Whitefish and Lost Coon Lakes, per 75-7-207 M.C.A. The document is intended to serve as an informational starting point for discussion and public participation.

²Adopted by the Flathead County Board of Commissioners April 13, 1982. Covered all lakes in Flathead County until separate regulations were created for Whitefish and Lost Coon Lakes in 1990 (see footnote #4 below). Most recently revised January 24, 2002. This document can be found on the Flathead County Planning and Zoning Office website at http://flathead.mt.gov/planning_zoning/downloads.php (click on the folder labelled “Lake and Lakeshore Protection Regulations”).

³Per 75-7-203 M.C.A., the *Flathead County Lake and Lakeshore Protection Regulations* govern all lakes over 20 acres in size for at least 6 months in a year, presently including Blanchard Lake but excluding Whitefish and Lost Coon Lakes. According to Flathead County GIS, this applies to approximately 57 lakes in rural Flathead County.

⁴The City of Whitefish has annexed Whitefish Lake to the low water mark. Dock permits issued for rural properties may therefore be doing work inside city limits. Mayor John Muhlfeld raised this jurisdictional concern in a letter to the Commissioners on September 04, 2014.

⁵Adopted jointly by the Flathead County Commissioners on January 03, 1990 (Resolution #769) and the City of Whitefish On January 01, 1990 (Ordinance #89-12) as a separate set of lakeshore regulations governing Whitefish and Lost Coon Lakes. Administered by Flathead County for rural properties on Whitefish and Lost Coon Lakes until February 01, 2005 (effective date of Interlocal Agreement) and then again starting on July 15, 2014 (effective date of Montana Supreme Court ruling terminating Interlocal Agreement). This document can be found on the Flathead County Planning and Zoning Office website at http://flathead.mt.gov/planning_zoning/downloads.php (click on the folder labelled “Lake and Lakeshore Protection Regulations”).

⁶After February 01, 2005 (effective date of Interlocal Agreement), the City of Whitefish continued to use the regulations that had been adopted jointly with Flathead County. However, subsequent amendments were not approved by Flathead County since the jurisdiction was solely Whitefish’s. The regulations were amended by Whitefish to include Blanchard Lake since that lake was inside the Interlocal Agreement area. In 2009, Whitefish adopted a significant revision to the regulations (Ordinance 09-08). These regulations are referred to as the *Whitefish Area Lake and Lakeshore Protection Regulations*. A link to this document can be found on the City of Whitefish website at <http://www.cityofwhitefish.org/planning-and-building/floodplain-development.php>.

⁷Per 75-7-214 M.C.A., governing bodies of lakes that are in two different jurisdictions are “empowered and encouraged,” but not required, to enter into agreements to establish compatible criteria.